

1 ADAM PAUL LAXALT
2 Attorney General
2 Michael J. Bongard (Bar. No. 7997)
Deputy Attorney General
3 State of Nevada
Office of the Attorney General
4 1539 Avenue F, Suite 2
Ely, NV 89301
5 (775) 289-1632 (phone)
(775) 289-1653 (fax)
6 mbongard@ag.nv.gov

7 Attorneys for Respondents

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 BRIAN KERRY O'KEEFE,

11 Petitioner,

12 vs.

13 ROBERT LEGRAND, et al.,

14 Respondents.

Case No. 3:14-cv-00477-RCJ-VPC

ORDER GRANTING

**MOTION FOR AN EXTENSION OF TIME
TO RESPOND TO PETITIONER'S SECOND
AMENDED PETITION FOR WRIT OF
HABEAS CORPUS [ECF NO. 50]**

15 (First Request)

16 Respondents, through legal counsel, Adam Paul Laxalt, Attorney General of The State of Nevada,
17 and Michael J. Bongard, Deputy Attorney General, hereby move this court for an additional thirty (30)
18 day enlargement of time, up to and including June 1, 2018, in which to respond to Petitioner's Second
19 Amended Petition for Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. §2254.
20 (ECF No. 50). The response is currently due May 2, 2018.

21 Respondents base this motion on the declaration of Counsel.

22 This is Respondents' first request for an extension of time in which to file the answer and made
23 in good faith and not for purposes of delay.

24 DATED this 16th day of April, 2018.

25 ADAM PAUL LAXALT
26 Attorney General

27 By: /s/ Michael J. Bongard

28 Michael J. Bongard (Bar No. 007997)
Deputy Attorney General

DECLARATION OF MICHAEL J. BONGARD

1. I am a Deputy Attorney General employed by the Attorney General's Office of the State of Nevada in the Bureau of Criminal Justice, and I make this declaration on behalf of Respondents' Motion for Enlargement of Time (First Request) in the above-captioned case. By this motion, I am requesting an additional thirty (30) day enlargement of time, up to and including, June 1, 2018, to file and serve the response to Petitioner's Second Amended Petition for Writ of Habeas Corpus.

2. Counsel has two other responses to federal habeas petitions due the week of May 2, 2018. On May 2, 2018, Counsel has an answer due in *O'Neill v. Williams, et al.*, USDC Case No. 3:11-cv-901-MMD-VPC. On May 3, 2018, Counsel must file the supplemental brief in *Rose v. Baker*, Ninth Circuit Case No. 17-15009. Counsel has already extended the deadlines in both of those cases.

3. Additionally, Counsel must travel to Elko, Nevada, on April 23, 2018, for a court hearing and to Las Vegas, Nevada for training on April 30-May 1, 2018.

4. Counsel inherited this case and the *O'Neill* case from attorneys who left the Attorney General's Office. Therefore, the answers in both cases will take additional time because Counsel must familiarize himself with the records in both cases. Counsel must also prepare for additional court hearings and file pleadings in cases comprising his state habeas and state criminal case loads.

5. For the reasons above, as well as the record in this case, counsel respectfully asks this Court to grant the request for an extension of time of an additional thirty (30) days, up to June 1, 2018, to file the answer to petitioner's Second Amended Petition.

DATED this 16th day of April, 2018.

By: /s/ Michael J. Bongard
Michael J. Bongard (Bar No. 007997)
Deputy Attorney General

IT IS SO ORDERED. Dated Nunc Pro
Tunc, April 16, 2018.

ROBERT C. JONES